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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|-------------|----------------------|-------------------------|-------------------------|--|
| 10/687,710 | 10/20/2003 | Jun Yoshioka | 8200.836 | 2841 | |
| 7590 02/23/2005 Liniak, Berenato, Longacre & White Ste. 240 | | | EXAM | EXAMINER | |
| | | | LEWIS, T | LEWIS, TISHA D | |
| | | | 100000 | | |
| 6550 Rock Spring Drive Bethesda, MD 20817 | | ART UNIT | PAPER NUMBER | | |
| | | | 3681 | | |
| | | | DATE MAILED: 02/23/2003 | DATE MAILED: 02/23/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| Application No. | Applicant(s) | 1 |
|-----------------|-----------------|---|
| 10/687,710 | YOSHIOKA ET AL. | ' |
| Examiner | Art Unit | |
| TISHA D. LEWIS | 3681 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- Period for Reply

| remound Reply | | | | |
|---|--------------------------------|--|--|--|
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce a earned patent term adjustment. See 37 CFR 1.704(b). | e of this communication. 133). | | | |
| Status | | | | |
| 1) Responsive to communication(s) filed on | | | | |
| 2a) ☐ This action is FINAL . 2b) ☒ This action is non-final. | | | | |
| 3) Since this application is in condition for allowance except for formal matters, prosecution a | s to the merits is | | | |
| closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 21 | 3. | | | |
| Disposition of Claims | | | | |
| 4)⊠ Claim(s) <u>1-25</u> is/are pending in the application. | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | |
| 5) Claim(s) is/are allowed. | | | | |
| 6)⊠ Claim(s) <u>1 and 11-23</u> is/are rejected. | | | | |
| 7)⊠ Claim(s) <u>2-10,24 and 25</u> is/are objected to. | | | | |
| 8) Claim(s) are subject to restriction and/or election requirement. | | | | |
| Application Papers | | | | |
| 9) The specification is objected to by the Examiner. | | | | |
| 10)⊠ The drawing(s) filed on <u>26 February 2004</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner. | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | |
| Priority under 35 U.S.C. § 119 | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: | | | | |
| 1. Certified copies of the priority documents have been received. | | | | |
| 2. Certified copies of the priority documents have been received in Application No. | · | | | |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). | | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | | |
| | | | | |
| Attachmont/s) | | | | |
| Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date | | | | |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other: | | | | |

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DETAILED ACTION

The following is a first action on the merits of application serial no. 10/687,710 filed on October 20, 2003.

Information Disclosure Statement

The information disclosure statement filed on October 20, 2003 has been acknowledged.

Drawings

The drawings filed on February 26, 2004 have been approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 11-23 rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al ('411). Kaplan et al discloses an assembly having a ring gear (14), a differential assembly (10), at least one output shaft (8a, 8b) connected to the differential assembly through a differential gear (15), a friction clutch (20) having an inner plate (22b) coupled to rotate with the differential and an outer plate (22a) coupled to rotate with the ring gear, a clutch actuator having a pump (26) and a variable pressure valve (30) including a valve closure, seat and an electromagnetic actuator for engaging the

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closure against the seat (column 5, line 27+) in a closed position or an open position, the pump being in the form of a gerotor pump and housed in the casing attached to the ring gear, the valve assembly can set a minimum and maximum pressure within the ring gear for release, the clutch has a piston (27) disposed within the ring gear between the pump and plates defining a pressure chamber (27c) and the pressure enables and restricts engagement of the clutch at different levels.

Allowable Subject Matter

Claims 2-10, 24 and 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 872-9326 before final and 703-872-9327 after final. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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| (Signature) | |
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If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Suzuki et al ('994), Aikawa et al ('005), Okcuoglu ('126), Taureg ('905) and Peterson ('184).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl February 20, 2005